

**To:** Michael.G.Nepstad@usace.army.mil [Michael.G.Nepstad@usace.army.mil];  
aul.J.Robershotte@usace.army.mil;"Nawi, David" [David\_Nawi@ios.doi.gov]; Nawi, David"  
[David\_Nawi@ios.doi.gov]  
**Cc:** "Morrow, Michelle M" [mmorrow@water.ca.gov]; Deanna.Harwood@noaa.gov)  
[Deanna.Harwood@noaa.gov]; Monroe, James" [James.Monroe@sol.doi.gov]; Allen, Kaylee"  
[Kaylee.Allen@sol.doi.gov]; N=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]  
**Bcc:** CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA[]  
**From:** CN=Tom Hagler/OU=R9/O=USEPA/C=US  
**Sent:** Wed 8/24/2011 4:49:35 PM  
**Subject:** BDCP 404 MOU - New Version - Are we finished?  
BDCP NEPA 404-8-19-11.docx

To the federal team listed above -

Michelle Morrow has confirmed that the 404 MOU has been reviewed by the contractors without comment, and that DWR is ready to sign the attached version.

In the last version I sent to the federal team, there were a couple of "questions" to be answered. Here is how we answered them in this version:

- (1) Page 4, last paragraph before Section II "Overview". The Corps had asked to take out the last two sentences on extending the MOU approach for subsequent BDCP projects. We have left that sentence in there, because it reflects the position of the agencies and is conditional, not binding.
- (2) Page 5, Section III, numbered paragraph one. DWR had suggested alternative language. We have not made that change. This revised language raised the issue of the scope of the MOU at this time (which the Corps has emphasized is the site-specific permit for the New Conveyance facilities).
- (3) Page 7, par. 5.a. DWR suggested change that we have not made. This change raised the same issue as in number 2.

I think we have agreed to all of the other changes reflected in this DWR draft. I note that the DWR draft here is very close to the redline I sent out earlier.

To wrap this up, I suggest:

(a) Federal agencies need to confirm this draft. The only outstanding issue I recall is that the Corps may need to think about who (which level) should be signing this MOU. Make that change on your own. Please let me know ASAP whether this version is acceptable to your agencies.

(b) I would like to ask the Corps to prepare a final, signature version (take out the underlinings, put in a date, take out the draft headings, etc.) and circulate it to everyone on the list above.

(c) Michelle - If I'm missing something, let me know ASAP.

- Tom (415-972-3945)

----- Forwarded by Tom Hagler/R9/USEPA/US on 08/24/2011 09:27 AM -----

From: "Morrow, Michelle M" <mmorrow@water.ca.gov>  
To: Tom Hagler/R9/USEPA/US@EPA

Date: 08/19/2011 09:33 AM  
Subject: MOU status

Hi Tom

I left you a voicemail message. Attached is the last version I have to move forward with finalizing.

When you get back in the office please finalize on the federal side.

Thanks for all you help!

Michelle